

### REMARKS

Applicants intend this response to be a complete response to the Examiner's **21 March 2006 Non-Final Office Action**. Applicants have labeled the paragraphs in his response to correspond to the paragraph labeling in the Office Action for the convenience of the Examiner.

#### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/17/06 has been entered.

#### *Claim Rejections - 35 USC § 112*

3. **Claims 2-9 and 39** stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement.

The Examiner contents as follows:

The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claims are not enabled because they require removal of water and water soluble components to produce an aqueous product. Removal of water would produce non-aqueous product.

Applicants have amended claims 39, 2 and 3 to bring them all into agreement. Claim 39 now recites that the material-to-be-treated comprise water and water soluble components, a non-aqueous fluid and solid materials. Because the water as been removed as an extraction fluid, the claims support the removal of a aqueous product. Applicants, therefore, respectfully request withdrawal of this rejection.

4. **Claims 2-9 and 39** stand rejected under 35 U.S.C. 112, first paragraph.

The Examiner contents as follows:

The specification, while being enabling for specific materials and extraction fluids, does not reasonably provide enablement for any non-specified extraction fluid and materials comprising non-specified products. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to practice the invention commensurate in scope with these claims.

Applicants have amended claims 39, 2 and 3 to bring them all into agreement. Claim 39 now recites that the material-to-be-treated comprise water and water soluble components, a non-aqueous fluid and solid materials. Because the claims now recites that types of material in the material-to-be-treated, the claims now support the type of materials-to-be-treated so that an ordinary artisan can understand the scope of the claims. Applicants, therefore, respectfully request withdrawal of this rejection.

5. **Claim 2 stands rejected under 35 U.S.C. 112, first paragraph.**

The Examiner contents as follows:

The specification, while being enabling for specific materials and extraction fluids, does not reasonably provide enablement for water as the extraction fluid. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to practice the invention commensurate in scope with these claims.

This claim depends on claim 39, which requires separation of water and the extraction fluid.

Applicants have amended claim 2 and 3 to remove water as an extraction fluid, which allows the claims to support the removal of a aqueous product. Applicants, therefore, respectfully request withdrawal of this rejection.

7. **Claims 2-9 and 39 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

The Examiner contents as follows:

The claims are indefinite because the term "the solids" in line 15 of claim 39 lacks proper antecedent basis.

The claims are indefinite because it is not clear what is referenced as "a fluid" in line 17 of claim 39.

The claims are indefinite because it is not clear whether or not "a non-aqueous fluid product" in lines 17 and 19 are the same.

Applicant have amended claim 39 to remove these second paragraph problems. Applicants have added that the material-to-be-treated comprise water and water soluble components, a non-aqueous fluid and solid materials. Applicant believes that this addition and the correction of several subsequent references will address all of the Examiner's concerns. Applicants also not that although

Applicants have amended the claims, the amendments do not narrow the claims, but simply remove ambiguities in the claim language. The previous claim and present claim are designed to produce an aqueous product, a non-aqueous product and a solids product, thus, the material-to-be-treated must comprise these three materials. Because Applicants have amended the claims to remove the indefinite problems with the claims, Applicants respectfully request withdrawal of these rejections.

***Claim Objections***

8. Claims 2 and 3 are objected to because of the following informalities.

The Examiner contents as follows:

The claims recite "water" and H<sub>2</sub>O as alternatives. Appropriate correction is required.

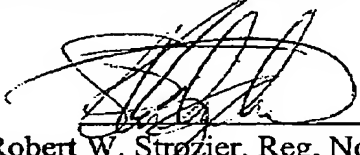
Applicants have amended claims 2 and 3 to remove the conflict. Applicants, therefore, respectfully request withdrawal of these objections.

Having fully responded to the Examiner's Non-Final Office Action, Applicant respectfully urges that is application be passed onto allowance.

The Commissioner is authorized to charge or credit Deposit Account No. 501518, for any needed fee or fee overpayment.

If it would be of assistance in resolving any issues in this application, the Examiner is kindly invited to contact applicant's attorney Robert W. Strozier at 713.977.7000.

Date: April 10, 2006

  
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